

NATIONAL RECOVERY ADMINISTRATION

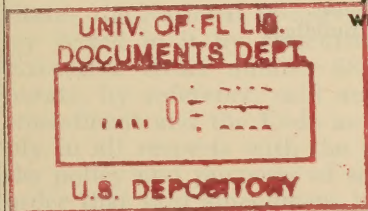
AMENDMENT TO SUPPLEMENTARY
CODE OF FAIR COMPETITION

FOR THE

PORTABLE ELECTRIC LAMP
AND SHADE INDUSTRY

(A Division of the Electrical Manufacturing Industry)

AS APPROVED ON FEBRUARY 12, 1935



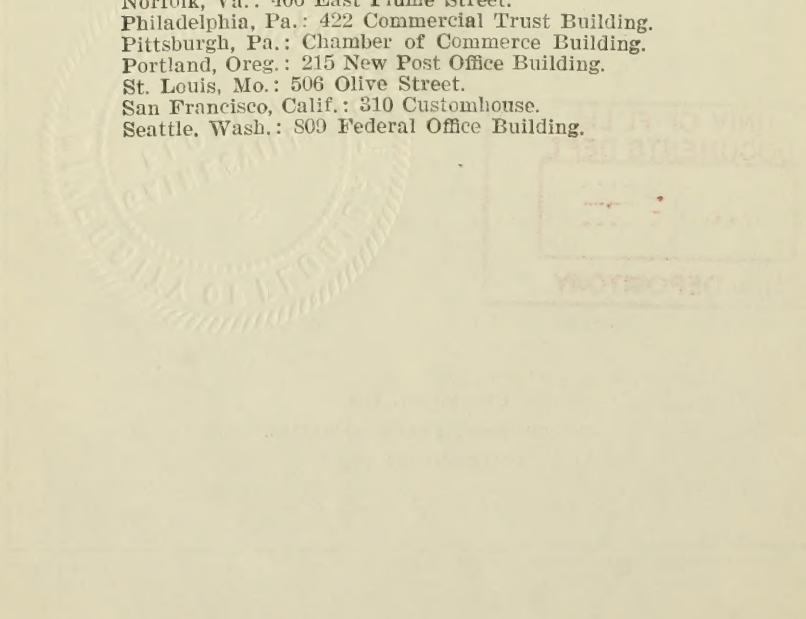
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Approved Code No. 4B—Amendment No. 1

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION**

FOR THE

**PORTABLE ELECTRIC LAMP AND SHADE
INDUSTRY**

As Approved on February 12, 1935

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE PORTABLE ELECTRIC LAMP AND SHADE INDUSTRY

A DIVISION OF THE ELECTRICAL MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Portable Electric Lamp and Shade Industry, a Subdivision of the Electrical Manufacturing Industry, and hearing having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order number 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect twenty days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect; provided, however, that in order to enable members of the Subdivision to adjust their methods of operation to comply with the provisions of

Article XIV, "Homework", said Article XIV shall become effective ninety (90) days from the date of this Order.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
February 12, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an amendment to the Supplementary Code of Fair Competition for the Portable Electric Lamp and Shade Industry, a Subdivision of the Electrical Manufacturing Industry, Public Hearing having been conducted thereon in Washington, D. C., October 11, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act. Every person who filed a request for an appearance at the Public Hearing was heard in accordance with regulations of the National Recovery Administration, and all objections filed have been given due consideration. The amendment, which is attached, was presented with the approval of the Basic Code Authority.

The Supplementary Code is amended to incorporate additional fair trade practice provisions, the need of which has been demonstrated by practical experience under the Supplementary Code.

FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment to said Supplementary Code and the Supplementary Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplementary Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The amendment and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Supplementary Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, this amendment has been approved, the approval to become effective twenty (20) days from date of the Order, and with the provision that Article XIV shall become effective ninety (90) days from date of said Order.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 12, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE PORTABLE ELECTRIC LAMP AND SHADE INDUSTRY

A DIVISION OF THE ELECTRICAL MANUFACTURING INDUSTRY

Amend the Code by adding the following Articles:

ARTICLE VIII—CONSIGNMENT

No employer shall ship or place on consignment products of this Subdivision except under circumstances approved by the Supervisory Agency and subject to review by the National Industrial Recovery Board.

ARTICLE IX—ADVERTISING ALLOWANCES

No employer shall designate as an "advertising allowance", a "promotion allowance", or by a similar term, any price reduction, discount, bonus, rebate, concession, or other form of allowance, or any consideration for advertising or promotion services, offered or given by him to any customer.

No employer shall offer or give any consideration merely for "pushing", "advertising", or otherwise than for definite and specific advertising or promotion services. Such consideration shall be given only pursuant to a separate written contract therefor, which contract shall specifically and completely set forth the advertising or promotion services (in such manner that their specific character may be understood by other employers and their customers) to be performed by the recipient of said consideration, the precise consideration to be paid or given therefor by said employer, the method of determining performances, and all other terms and conditions relating thereto.

ARTICLE X—RETURNED MERCHANDISE

No employer shall accept the return of any product of this Subdivision except when such product is defective or does not meet performance requirements or specifications. However, when the purchaser is unable to meet his obligations, the employer may accept the return of products of this Subdivision, provided that immediate report thereof is made to the Supervisory Agency.

ARTICLE XI—IDENTIFYING MERCHANDISE

Each employer of this Subdivision shall identify the products of his manufacture in a manner to be determined by the Supervisory Agency, subject to the approval of the National Industrial Recovery Board.

ARTICLE XII—TERMS OF PAYMENT

No employer shall sell the products of this Subdivision on any more favorable terms of payment than that of "payment within



thirty days of date of invoice" or a maximum 2% cash discount when payment has been made within ten days of the date of invoice. All products shall be sold F. O. B. city of manufacture.

ARTICLE XIII—STANDARDS COMMITTEE

1. The Supervisory Agency shall establish a standards committee, which shall be fairly representative of the Subdivision and two members of which shall be appointed by the National Industrial Recovery Board, such members to serve without expense to the Industry.

2. The Committee shall study and recommend to the Supervisory Agency and the National Industrial Recovery Board such standards as are deemed feasible.

3. Following such review as the National Industrial Recovery Board may determine, such standards as are adopted shall be made mandatory upon the Subdivision as a part of this code, and non-compliance therewith shall be an unfair method of competition, and a violation of the Supplementary Code; provided that nothing herein shall forbid the manufacture and sale of non-standard products which are clearly identified to the buyer as such.

ARTICLE XIV¹—HOMEWORK

No employer shall manufacture or cause to have manufactured in whole or in part any of the products of this Subdivision in the home, premises or living quarters of any person, provided, however,

(1) A person may be permitted to engage in home work at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business if a certificate is obtained from the State Authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor, provided

(a) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious disease; or

(b) Such person is unable to leave home because his or her services are absolutely essential for attendance on a person who is bed-ridden or an invalid and both such persons are free from any contagious disease.

(c) Any employer engaging such a person shall keep such certificate on file and shall file with the Supervisory Agency the name and address of each worker so certificated.

ARTICLE XV—SUBTERFUGE

No employer of this Subdivision shall engage in any subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

Approved Code No. 4B—Amendment No. 1.
Registry No. 1308-16.

¹ See paragraph 2 of order approving this Amendment.